



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

207 **CRM-M-50161 of 2024**
DATE OF DECISION :- 28.10.2024

Balkar Singh and others **...Petitioners**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Ms. Nandini Sharma, Advocate
for Mr. Umesh Aggarwal, Advocate for the petitioners.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

The instant petition has been filed on 3.10.2024 under Section 438 Cr.P.C. for grant of anticipatory bail.

As per the judgment rendered by this Court titled as ‘Abhishek Jain v. State of U.T. Chandigarh and another’ (CRM-M No.31808 of 2024, 2024:PHHC:085784), the instant petition is not maintainable under Section 438 Cr.P.C., 1973. However, keeping in view the entirety of facts and circumstances of the case especially that the instant petition pertains to regular bail, the instant petition is directed to be considered as a petition under Section 482 of BNSS, 2023.

1. This petition has been filed for grant of anticipatory bail to the petitioners in DDR No.12 dated 26.5.2024 under Sections 452/324/354/427/148/149 of IPC and Section 326 of IPC added later on (Section 326 of IPC deleted vide DDR No.16 dated 16.7.2024) registered at Police Station Lopoke, Amritsar in FIR No.102 dated 20.5.2024 registered for offences

punishable under Sections 452/323/427/148/149 of IPC at Police Station Lopoke, Amritsar.

2. On 04.10.2024, the following order was passed:-

“The instant petition has been filed on 3.10.2024 under Section 438 Cr.P.C. for grant of anticipatory bail.

As per the judgment rendered by this Court titled as ‘Abhishek Jain v. State of U.T. Chandigarh and another’ (CRM-M No.31808 of 2024, 2024:PHHC:085784), the instant petition is not maintainable under Section 438 Cr.P.C., 1973. However, keeping in view the entirety of facts and circumstances of the case especially that the instant petition pertains to regular bail, the instant petition is directed to be considered as a petition under Section 482 of BNSS, 2023.

Apprehending his arrest in DDR No.12 dated 26.5.2024 under Sections 452/324/354/427/148/149 of IPC and Section 326 of IPC added later on (Section 326 of IPC deleted vide DDR No.16 dated 16.7.2024) registered at Police Station Lopoke, Amritsar in FIR No.102 dated 20.5.2024 registered for offences punishable under Sections 452/323/427/148/149 of IPC at Police Station Lopoke, Amritsar; the petitioner has preferred this petition seeking pre-arrest bail.

Inter alia contends that the case is of version and cross-version. The petitioners are willing to join investigation and cooperate therein.

Notice of motion for 28.10.2024.

The petitioners are directed to appear before the Investigating Officer on 7.10.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when , the petitioners shall join the investigation. They shall abide by the condition(s) enumerated under Section 482 (2) of the BNSS.”

3. Learned State counsel, on instructions from ASI Kulbir Singh, has stated that pursuant to the order dated 04.10.2024, the petitioners have joined investigation and are no longer required for custodial interrogation.

4. In view of above, the present petition stands allowed and the interim order dated 04.10.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

5. This order should not be treated as “blanket” order. It will not be read granting petitioners indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioners violates any condition stipulated under Section 482(2) of BNSS, 2023 or upon showing any other sufficient cause.

7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

28.10.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No